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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PRL

Office Action Summary	Application No.	Applicant(s)	
	09/768,374	SHAH ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 4/24/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1-30 ('374 application) are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 09/768375. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-30 pertain to the same subject matter as the claims of the '375 application with only minor and obvious variations. Claim 1 is shown merely as an exemplary example. The differences between claim 1 of the '374 application and claims 1, 5 and 6 of the '375 application is that the former is directed to the use of a packet while the latter is directed to the use of a combination of a call and file descriptor (hereinafter 'call'). Both claim 1 of the '374 application and the claims mentioned in the '375 application pertain to the translation and transmission of data between nodes of different

Art Unit: 2154

protocols. Packets and calls, while not synonymous, can both be classified as data carriers within a network, and therefore could be interchangeably used for one another in a network.

Claim 1 of the '374 application discloses the reception of a packet from a proxy node in a system area network generated using a first protocol, the translation of the packet to a second protocol at the proxy node, and sending the translated packet to a second node which uses the second protocol. Claims 1, 5 and 6 of the '375 application discloses a proxy, application and network node. The application node sends a call of a first protocol to the proxy node which translates the call to a second protocol recognizable to the network node. Therefore, claim 1 of the '374 application is merely an obvious variation of claims 1, 5 and 6 of the '375 application and therefore, claim 1 of the '374 application is invalid.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al (hereinafter Ortega), U.S Patent No. 6,711,162 in view of Wang et al (hereinafter Wang), U.S Patent No. 6,708,223.

Art Unit: 2154

4. As to claim 1, Ortega teaches a method comprising:

receiving a packet at a proxy node in a network from a first node that generated the packet using a first protocol (Abstract and column 2, lines 37-64, claims 1 and 4);

translating the packet using a second protocol used by a second node (column 2, lines 37-64 and column 3, lines 52-63); and

sending the translated packet from the proxy node to the second node (column 2, lines 37-50).

Ortega does not teach that the network is a system area network.

5. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ortega to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

6. As to claim 6, Ortega teaches a method wherein the first node comprises a network client coupled to the proxy node through a network node, and the second node comprises an application node (column 21, line 64 to column 22, line 12 – where the host computer is the application node, the service endpoint is the network client is the service endpoint and the network node is the modem).

Art Unit: 2154

7. As to claim 7, Ortega teaches a method wherein the first node comprises an application node and the second node comprises a network client coupled to the proxy node through a network node (column 21, line 64 to column 22, line 12 – where the host computer is the application node, the service endpoint is the network client is the service endpoint and the network node is the modem).

8. As to claim 8, Ortega teaches a method of protocol processing comprising:
receiving a packet at a proxy node in a system area network from a first node that generated the packet using a first protocol wherein the packet is addressed to a second node in the network that uses a second protocol (column 10, lines 1-42) and ;

processing the packet in the proxy node (column 2, lines 37-64 and column 3, lines 52-63); and

sending a response from the proxy node to the first node using the first protocol (column 10, lines 7-22).

9. Claims 2 and 3 are rejected under 35 U.S.C 103(a) as being unpatentable over Ortega and Wang as applied to claim 1 above, in further view of Gopalakrishna, U.S Patent No. 6,614,808.

10. As to claim 2, Ortega does not teach a method wherein translating the packet comprises translating a single packet into multiple packets and wherein sending the translated packet comprises sending several translated packets.

11. Gopalakrishna teaches a method wherein translating the packet comprises translating a single packet into multiple packets and wherein sending the translated packet comprises sending several translated packets (column 3, lines 1-3 and claim 2). It would have been obvious to one skilled in the art at the time the invention was made to modify Ortega to include the capability of demultiplexing a single packet into multiple packets to enhance system and network performance since information is transmitted in a single packet (column 4, lines 1-6).

12. As to claim 3, Ortega does not teach a method wherein receiving the packet comprises receiving multiple packets, translating the packet comprises translating the multiple packets into a single packet and sending the translated packet comprises sending the single translated packet.

13. Gopalakrishna teaches a method wherein receiving the packet comprises receiving multiple packets, translating the packet comprises translating the multiple packets into a single packet and sending the translated packet comprises sending the single translated packet (column 2, lines 62-67 and claim 1). It would have been obvious to one skilled in the art at the time the invention was made to modify Ortega to include the capability of multiplexing multiple packets into a single packet to enhance system and network performance since information is transmitted in a single packet (column 4, lines 1-6).

Art Unit: 2154

14. Claims 4 and 5 are rejected under 35 U.S.C 103(a) as being unpatentable over Ortega and Wang as applied to claim 1 above, in further view of Katseff et al (hereinafter Katseff), U.S Patent No. 6,075,796 and an Official Notice.

15. As to claim 4, Ortega does not teach a method wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) and the second protocol is a lightweight protocol.

16. Katseff teaches a method wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) and the second protocol is a user datagram protocol (UDP) (Abstract and column 2, lines 20-39). Katseff does not specifically disclose a lightweight protocol. Official Notice is taken that UDP is a well known lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33). It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ortega to include TCP/IP so the user can reliably connect to an internet service provider using a modem (column 2, lines 23-33).

17. As to claim 5, Ortega does not teach a method wherein the first protocol is a lightweight protocol and the second protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP).

Art Unit: 2154

18. Katseff teaches a method wherein the first protocol is a user datagram protocol (UDP) and the second protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) (column 4, lines 45-55). Ketseff does not specifically disclose a lightweight protocol. Official Notice is taken that UDP is a well known lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33). It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ortega to include TCP/IP so the user can reliably connect to an internet service provider using a modem (column 2, lines 23-33).

19. Claims 9 and 10 are rejected under 35 U.S.C 103(a) as being unpatentable over Ortega and Wang as applied to claim 8 above, in further view of Katseff.

20. As to claim 9, Ortega does not teach a method wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) and the second protocol is a lightweight protocol.

21. Katseff teaches a method wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) and the second protocol is a user datagram protocol (UDP) (Abstract and column 2, lines 20-39). Ketseff does not specifically disclose a lightweight protocol. Official Notice is taken that UDP is a well known lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any

Art Unit: 2154

lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33). It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ortega to include TCP/IP so the user can reliably connect to an internet service provider using a modem (column 2, lines 23-33).

22. As to claim 10, Ortega does not teach a method wherein the first protocol is a lightweight protocol and the second protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP).

23. Katseff teaches a method wherein the first protocol is a user datagram protocol (UDP) and the second protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) (column 4, lines 45-55). Katseff does not specifically disclose a lightweight protocol. Official Notice is taken that UDP is a well known lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33). It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ortega to include TCP/IP so the user can reliably connect to an internet service provider using a modem (column 2, lines 23-33).

24. Claims 11-16 and 18 are rejected under 35 U.S.C 103(a) as being unpatentable over Katseff in view of Wang.

Art Unit: 2154

25. As to claim 11, Katseff teaches a network comprising:

a network node (Figure 2, item 43 and column 4, lines 23-25);

a proxy node (Figure 2, items 46 and 48 and column 4, lines 45-65);

an application node (Figure 2, item 44 and column 4, lines 33-38); and

a network client (Figure 2, item 42 and column 4, lines 19-23);

wherein the proxy node comprises a processor (Figure 3) configured for:

receiving a first packet from the network client through the network node
addressed to the application node using a first protocol (column 4, lines 25-29); and

if the first packet meets a specified criterion, translating the first packet using
a second protocol used by the application node, and sending the translated first packet
to the application node (column 4, lines 25-29, column 5, lines 49-62 and column 6,
lines 44-61, where the criterion is if the packet is being sent to a similar network).

Katseff does not teach a system area network (column 6, lines 18-23).

26. Wang teaches that a system area network is well known in the art as a common
network implementation (column 6, lines 9-14). It would have been obvious to one of
ordinary skill in the art at the time the invention was made to modify Katseff to include the
use of a system area network so the nodes can utilize high-speed network interfaces (column
6, lines 21-23).

Art Unit: 2154

27. As to claim 12, Katseff teaches a network wherein the proxy node processor is further configured for processing the first packet if the first packet does not meet the specified criteria (column 5, line 51 to column 6, line 2 and lines 57-66).

Katseff does not teach a system area network (column 6, lines 18-23).

28. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

29. As to claim 13, Katseff teaches a network wherein the proxy node processor is further configured for sending a response to the network client through the network node using the first protocol (Figure 3, column 4, line 45 to column 5, line 62).

Katseff does not teach a system area network (column 6, lines 18-23).

30. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

Art Unit: 2154

31. As to claim 14, Katseff teaches a network wherein the proxy node processor is further configured for receiving a second packet from the application node addressed to the network client using the second protocol (column 5, lines 29-50);

if the second packet meets a specified criterion, translating the second packet using the first protocol and sending the translated second packet to the network client through the network node (column 5, lines 29-62 – where the specified criterion is if the packet is destined for a similar network).

Katseff does not teach a system area network (column 6, lines 18-23).

32. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

33. As to claim 15, Katseff teaches a network wherein the proxy node processor is further configured for processing the second packet if the second packet does not meet the specified criteria (column 5, lines 49-62 and column 6, line 57 to column 7, line 7 – where the criteria is if the packet is destined for a similar network, or network with a protocol converter).

Katseff does not teach a system area network (column 6, lines 18-23).

34. Wang teaches that a system area network is well known in the art as a common

Art Unit: 2154

network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

35. As to claim 16, Katseff teaches a network wherein the proxy node processor is further configured for sending a response to the application node using the second protocol (column 4, line 66 to column 5, line 28 – where computers B, D, E are the application nodes).

Katseff does not teach a system area network (column 6, lines 18-23).

36. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

37. As to claim 18, Katseff teaches a network further comprising a plurality of network nodes (figure 4, items 96, 111, and 96a), a plurality of proxy nodes (Figure 4, items 105 and 105a and column 6, lines 31-33 and lines 49-56), a plurality of application nodes (column 4, line 66 to column 5, line 28 – where the remote computers are the application nodes), and a plurality of network clients (column 4, line 66 to column 5, line 28) wherein each proxy node comprises a respective processor (Figure 3, item 68) configured for:

Art Unit: 2154

receiving an input packet from one of the network clients through one of the network nodes addressed to a particular one of the application nodes using a first protocol (column 4, line 66 to column 5, line 28); and

if the input packet meets a specified criterion, translating the input packet using a second protocol used by the particular application node, and sending the translated input packet to the particular application node (column 4, line 4 to column 5, line 28 and lines 49-62).

Katseff does not teach a system area network (column 6, lines 18-23).

38. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

39. Claim 17 is rejected under 35 U.S.C 103(a) as being unpatentable over Katseff and Wang as applied to claim 11 above, in view of an Official Notice.

40. Katseff teaches a network wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) and the second protocol is based on a user datagram protocol (UDP) (Abstract and column 2, lines 20-39). Katseff does not specifically disclose a lightweight protocol. Official Notice is taken that UDP is a well known

Art Unit: 2154

lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33).

Katseff does not teach a system area network (column 6, lines 18-23).

41. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

42. Claim 19 is rejected under 35 U.S.C 103(a) as being unpatentable over Katseff and Wang as applied to claims 11 and 18 above, in further view of Jordan et al (hereinafter Jordan), U.S Patent No. 6,438,652.

43. Katseff teaches a network node but does not teach a system area network wherein each network node comprises a processor configured for performing load balancing among the proxy nodes based on protocol processing requirements.

44. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the

Art Unit: 2154

use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

45. Jordan teaches a network node comprising a processor configured for performing load balancing among the proxy nodes based on protocol processing requirements (column 5, line 42 to column 6, line 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff's network nodes to include a processor for performing load balancing to enhance network performance and prevent traffic bottlenecks (column 1, lines 46-47).

46. Claim 20 is rejected under 35 U.S.C 103(a) as being unpatentable over Katseff and Wang as applied to claims 11 and 18 above, in further view of Dutta et al (hereinafter Dutta), U.S Patent No. 6,546,423.

47. Katseff teaches proxy node processors does not teach a system area network wherein the proxy node processors are further configured for performing load balancing among the application nodes based on application processing requirements.

48. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the

Art Unit: 2154

use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

49. Dutta teaches a network wherein the proxy node processors are further configured for performing load balancing among the application nodes based on application processing requirements (column 2, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff's proxy node processors so they performed load balancing to improve network performance and robustness (column 4, line 63 to column 5, line 8).

50. Claims 21-24 and 27-30 are rejected under 35 U.S.C 103(a) as being unpatentable over Katseff, in view of Wang, in further view of Newton's Telecom Dictionary, 19th Edition, by Harry Newton (hereinafter Newton).

51. As to claim 21, Katseff teaches an apparatus comprising:

a processor (Figure 3, items 68, 76) configured for:

receiving through one of the network ports a first packet from a network client through a network node in a network that generated the first packet using a first protocol (Figure 2, items 42, 43 and 46 and column 4, line 66 to column 5, line 7); and

if the first packet meets a specified criterion, translating the first packet using a second protocol used by an application node and sending the translated first packet through one of the network ports to the application node (column 5, lines 10-20 and lines 49-61).

Art Unit: 2154

Katseff also teaches an apparatus with a plurality of network TCP connections (Figure 3, items connected to A, C and E), but does not specifically disclose that they are ports. Katseff does not teach a system area network (column 6, lines 18-23) (column 6, lines 18-23).

52. Wang teaches that a system area network is well known in the art as a common network implementation (column 6, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff to include the use of a system area network so the nodes can utilize high-speed network interfaces (column 6, lines 21-23).

53. Newton defines a port as "a logical point of connection, most especially in the context of TCP". Therefore it would have been obvious to one skilled in the art at the time the invention was made to use ports in Katseff's apparatus so the apparatus can communicate efficiently with the Internet using TCP.

54. As to claim 22, Katseff teaches an apparatus wherein the processor is further configured for processing the first packet and sending a response to the network client through the network node using the first protocol if the first packet does not meet the specified criterion (column 5, line 49 to column 7, line 7 - where the specified criterion is whether or not the packet is being sent to computer in the same network, i.e. employing the protocol converter).

Art Unit: 2154

55. As to claim 23, Katseff teaches an apparatus wherein the processor is further configured for:

receiving a second packet through one of the network ports from the application node using the second protocol (column 5, lines 29-32);

if the second packet meets a specified criterion, translating the second packet using the first protocol and sending the translated second packet to the network client through the network node (column 5, lines 29-62).

56. As to claim 24, Katseff teaches an apparatus wherein the processor is further configured for processing the first packet and sending a response to the application node using the second protocol if the second packet does not meet the specified criteria (column 5, line 49 to column 7, line 7 – where the specified criterion is whether or not the packet is being sent to computer in the same network).

57. As to claim 27, Katseff teaches an apparatus wherein the first protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP) (column 4, lines 66-67).

58. Claim 28 is an article comprising a computer-readable medium that performs the same actions of the apparatus of claim 21. Therefore, claim 28 is rejected for the reasons set forth in above paragraphs 51-53 for claim 21.

Art Unit: 2154

59. Claim 29 is an article comprising a computer-readable medium that performs the same actions of the apparatus of claim 22. Therefore, claim 29 is rejected for the reasons set forth in above paragraph 54 for claim 22.

60. Claim 30 is an article comprising a computer-readable medium that performs the same actions of the apparatus of claim 21. Therefore claim 30 is rejected for the reasons set forth in above paragraph 55 for claim 23.

61. Claim 25 is rejected under 35 U.S.C 103(a) as being unpatentable over Katseff, Wang, and Newton as applied to claim 21 above, in further view of Dutta.

62. Katseff does teach an apparatus wherein the processor but not one that is further configured for performing load balancing among application nodes connected to the network ports based on application processing requirements.

63. Dutta teaches an apparatus wherein the processor is further configured for performing load balancing among application nodes based on application processing requirements (column 2, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katseff's apparatus processor so it performed load balancing to improve network performance and robustness (column 4, line 63 to column 5, line 8).

Art Unit: 2154

64. Claim 26 is rejected under 35 U.S.C 103(a) as being unpatentable over Katseff, Wang and Newton as applied to claim 21 above, in further view of an Official Notice.

65. Katseff teaches an apparatus wherein the first protocol is based on a user datagram protocol and the second protocol is based on Transmission Control Protocol/Internet Protocol (TCP/IP).

Katseff does not specifically teach a lightweight protocol. Official Notice is taken that UDP is a well known lightweight internet protocol. It would have been obvious to one of ordinary skill in the art to include any lightweight protocol in Ortega for the implementation of a fast, connectionless delivery system (column 3, lines 30-33).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in regards to proxy protocol conversion:

U.S S.I.R H2065H to Hong et al;

U.S Patent No. 6,115,384 to Parzych;

U.S Patent No. 6,131,163 to Wiegel.

Art Unit: 2154

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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